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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,826	02/20/2004	Mark Seton Chapman	0460-0230P	4149

2292	7590	11/06/2007
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EXAMINER	
PHILIPPE, GIMS S	

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
11/06/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

# Office Action Summary

Application No.

10/781,826

Applicant(s)

CHAPMAN, MARK SETON

Examiner

Gims S. Philippe

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This is a first office action in response to application no. 10/781,826 filed on February 20 2004 in which claims 1-20 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 20 provides for the use of video presentation, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 20 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

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The applicant should note that the claim can refer back to another claim but not to paragraphs numbers of the Specification since the since such specification may be amended or edited in the future. In addition, the claim language is not considered consistent if the limitations are not claimed but referred to in the specification.

The applicant is required to properly cite all the limitations of the claim in order for the examiner to consider such claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 10-11, 13, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Lareau (US Patent no. 5,692,062).

Regarding claim 1, 11, 19, Lareau discloses a system for remotely recording landscape change, the system including a digital imaging device (See col. 6, lines 16-28 and col. 12, lines 1-4); a processor and communication with a memory means and with the digital imaging device (See col. 12, lines 27-38); a

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battery electrically connected to the processor and the digital imaging device; and a controller electrically disposed intermediate the battery and the digital imaging device and the processor (See col. 13, lines 30-59), the controller being configured to isochronally provide power from the battery to the processor and digital imaging device whereby the digital imaging device acquires a landscape image which is communicated to the processor which in turns transmits the image to a remote processor (See col. 12, lines 1-20, lines 38-67, and col. 13, lines 1-5).

As per claims 2, 13, and 15, Lareau further discloses the claimed electronic timer in col. 11, lines 54-67, and in col. 12, lines 48-53.

As per claims 10 and 18, most of the limitations of these claims have been noted in the above rejection of claims 1 and 12. In addition, Lareau further discloses disposing its system adjacent a construction site or farmland to acquire landscape images thereof (See Lareau col. 2, lines 15-35).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 8-9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lareau et al. (US Patent no. 5,692,062).

Regarding claims 8-9 and 12, most of the limitations of this claim have been noted in the above rejection of claim 1.

It should be noted that while Lareau does not specifically proposes disconnecting the electrical power to the imaging device and the processor, however, from col. 13, line 42 to col. 14, line 14, Lareau proposes output counters connected to input clock along with a start/stop signal wherein a pre-loaded signal representing a counter value relates to charge transfer rate. In response to trigger signal voltage pulse are issued over a bus. To the examiner such a disclosure containing a start/stop feature will provide the connecting and disconnecting function claimed. Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Lareau by incorporating a battery with the option of disconnecting the electrical to the digital imaging device processor. The motivation for performing such a modification in Lareau is to be able to use the battery as needed in the image processor.

8. Claims 3-5, 7, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lareau et al. (US Patent no. 5,692,062) in view of LeClerc et al. (US Patent no. 6,963,662).

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As per claims 3-5, 7, 14, and 17, most of the limitations of these claims have been noted in the above rejection of claims 2 and 12.

It is noted that Lareau is silent about providing a portable computer with a processor, a memory, a modem for communication purpose as specified in the claims.

However, LeClerc discloses a system for recording landscape including a portable computer with a processor, a memory, a modem for communication purpose (See LeClerc col. 14, lines 37-65).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Lareau by incorporating LeClerc's laptop/pda in the system for recording landscaping changes. The motivation for performing such a modification in Lareau is to facilitate landmark/ farmland observation from anywhere once a web address is known.

9. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lareau et al. (US Patent no. 5,692,062) in view of Stepanik et al. (US Patent no. 7080544).

Regarding claims 6 and 16, most of the limitations of these claims have been noted in the above rejections of claims 1 and 12.

It is noted that Lareau is silent about providing one or more solar panels electrically connected to provide power as specified in the claims.

However, Stepanik discloses a remote monitoring system including one or more solar panels electrically connected to provide power (See Stepanik col. col. 13, lines 57-67 and col. 14, lines 1-11).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Lareau's remote recording system by incorporating Stepanik's one or more solar panels electrically connected to provide power. The motivation for performing such a modification in Lareau is to maintain lower power consumption as taught by Stepanik (See Stepanik col. 14, lines 1-11).

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Myrick (US Patent no. 5166789) teaches geographical surveying using cameras in combination with flight computer to obtain images with overlaid geographical coordinates.

Mouchot et al. (US Patent no. 4940972) teaches method of representing a perspective image of a terrain and a system for implementing same.

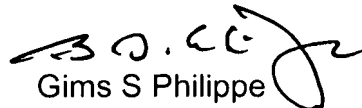
Kurumizawa (US Patent no. 6623274) teaches network farming method for customers who instruct crowding conditions and receive harvest.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Gims S Philippe  
Primary Examiner  
Art Unit 2621

GSP

October 31, 2007